

RECEIVED  
CENTRAL FAX CENTER

Transmission by Facsimile on July 5, 2006

JUL 5 - 2006

PATENT  
Dkt. P1598US01

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Monty A. Forehand  
Assignee: SEAGATE TECHNOLOGY LLC  
Application No.: 10/057,277 Group No.: 2651  
Filed: January 25, 2002 Examiner: Kin C. Wong  
For: FLY HEIGHT ADJUSTED SWEEP CYCLE FOR A DISC DRIVE

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES  
(37 C.F.R. § 41.31)

Applicant hereby appeals to the Board from the decision of the Primary Examiner, mailed June 20, 2006, for a second time rejecting claims 1 and 9-27.

## 1. STATUS OF APPLICANT

This application is on behalf of other than a small entity.

## 2. FEE FOR FILING NOTICE OF APPEAL

Pursuant to 37 C.F.R. § 41.20(b)(1), the fee for the Appeal Brief is:

Other than a small entity	\$500.00	07/06/2006 TL0111	00000003 10057277
Notice of Appeal fee due	\$500.00	01 FC:1401	500.00 0P

## CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a)

I hereby certify that, on the date shown below, this correspondence is being:

## TRANSMISSION

☒ facsimile transmitted to the Patent and Trademark Office, (571) 273 - 8300.

Signature

Diana C. Anderson

Date: July 5, 2006

(type or print name of person certifying)

RECEIVED  
CENTRAL FAX CENTER

JUL 5 - 2006

3. EXTENSION OF TERM

The proceedings herein are for a patent application and the provisions of 37 C.F.R.1.136 apply.

Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

4. TOTAL FEE DUE

The total fee due is:

Notice of Appeal fee \$500.00  
TOTAL FEE DUE \$500.00

5. FEE PAYMENT

Authorization is hereby made to charge the amount of \$500.00 to credit card as shown on the attached credit card information authorization form PTO-2038.

Charge any additional fees required by this paper or credit any overpayment to Deposit Account No. 06-0540.

6. FEE DEFICIENCY

If any additional extension and/or fee is required, and if any additional fee for claims is required, charge Deposit Account No. 06-0540.

Respectfully submitted,

Date:

7/5/2006



Mitchell K. McCarthy, Registration No. 38,794  
Randall K. McCarthy, Registration No. 39,297  
Fellers, Snider, Blankenship, Bailey & Tippens, P.C.  
100 North Broadway, Suite 1700  
Oklahoma City, OK 73102-8820  
Telephone: 405-232-0621  
Fax: 405-232-9659  
Customer No. 33900